

Panaji, 12th July, 1984 (Asadha 21, 1906)

SERIES II No. 15

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Order

No. 5/8/74-PER (Vol. II)

On the recommendation of the Departmental Promotion Committee, Dr. Jacinto dos Milagres Estibeiro, Chief Malaria Officer, Directorate of Health Services is hereby promoted w.e.f. 22-6-1984 on officiating basis to the post of Director of Health Services, Panaji, Group 'A' Gazetted post of the Directorate of Health Services, in the pay scale of Rs. 1500-2000.

2. Dr. Estibeiro will be on probation for a period of 2 years.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 28th June, 1984.

Corrigendum

No. 6/4/82-PER (Vol. II)

Read: Order No. 6/4/82-PER (Vol. II) dated 24/4/84

The name of the officer appearing at Sr. No. 6 in Col. No. 2 of the order cited above shall be read as "Shri K. M. Nambiar" instead of Shri Madhu Nambiar.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 26th June, 1984.

Secretariat Administration and Coordination Division

Order

No. 1/2/84-SA&C

On the recommendation of the competent Departmental Promotion Committee sanction is hereby accorded in terms of Rule 25 of the Fundamental Rules to the below mentioned Officers in the cadre of Mamlatdars/B.D.Os. (including Jt. Mamlatdar/Enquiry Officer, City Survey) to cross the EB at the stage of Rs. 750/- in the pay scale of Rs. 550-25-750-EB-30-900 with effect from 1-2-84.

- 1) Shri R. T. Khorjuenkar.
- 2) Shri W. Y. Sakhardande.
- 3) Shri M. S. Pauskar.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (SA&C).

Panaji, 4th July, 1984.

Order

No. PER-822/SA & C

Read: - i) Order No. PER-710-SA & C dated 25th October, 1980.

- ii) Letter No. A-35017/7/80-Adm. I(LA) dated 12th December, 1983 from Government of India, Ministry of Law, Justice and Company Affairs, New-Delhi.

The period of deputation of Shri U. D. Sharma, presently on deputation to this Administration as Law Secretary to the Government of Goa, Daman and Diu is extended for the period from 1-5-1984 to 20-10-1984.

This issues with the approval of Government of India, Ministry of Home Affairs, New Delhi vide their letter No. 14016/2/84 GP(I) dated 7th June, 1984.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (S. A. & C.).

Panaji, 3rd July, 1984.

Works, Education and Tourism Department

Notification

No. 14-3-79-WET

In exercise of the powers conferred by sub-section 7 of section 7 of Goa, Daman & Diu Secondary and Higher Secondary Education Board Act, 1975, Government is pleased to appoint Shri S. V. Kurade, Deputy Director of Education and the Ex-Officio Member of the Board as Vice-Chairman of the Board for the term 84-88.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. M. Naik, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 2nd July, 1984.

Notification

No. GDDBSHSE/RES-PUB/ELEC/84-85

In exercise of the powers conferred by sub-section (2) of section 12 of the Goa, Daman and Diu Secondary and Higher Secondary Education Board Act, 1975 (Act No. 13 of 1975), and of rule 29 of the Goa, Daman and Diu Secondary and Higher Secondary Education Board Members Election Procedure Rules, 1979, it is hereby notified that members who have been elected or nominated to the Board are as follows:

Category	Clause No.	Name
Class-B Elected Members	(ii)	Persons nominated by the Government from amongst the Principals and Teachers of the Colleges in the Territory.
		Shri Madhav S. Kamat, M.E.S. College, Vasco.

Category	Clause No.	Name
		Fr. Nicolau Pereira, St. Xavier's College, Mapusa.
		Shri Vasant Lawande, Nirmala Institute of Education, Panaji.
		Miss Sudha Narvenkar, St. Xavier's College Mapusa.
(iii)	One Headmaster of Higher Secondary School.	Nadkarni Ganapati Vaman Dhempe College of Arts & Science, Panaji. (HSS).
(iv)	Teacher of a Higher Secondary School.	Fogueri Ravindranath Vishnu St. Xavier's College, Mapusa. (HSS).
(v)	Six Headmasters of Secondary Schools other than Higher Secondary Schools from each designated area.	Bardez: Soares Anil Aloysius St. Britto's High School, Mapusa. Mormugao-Tiswadi: Colaco Melita, St. Lawrence High School, Agassaim. Pernem-Satari-Bicholim: D'Souza Franklin Joseph, Our Lady of Grace High School, Bicholim. Ponda-Sanguem: Naik Gaunekar Manikrao, Smt. Hirabai Talaulikar High School, Sancordem. Salcete: Velho J. Honorato Jose, St. Xavier's Institute, Curtorim. Quepem Canacona: Naik Ramakrishna Subbu, Shri Damodar Vidyalaya, Lolem-Canacona.
(vi)	Six teachers of Secondary Schools other than Higher Secondary Schools from each designated area.	Bardez: Adwalpalkar Narayan Gopal, Mapusa High School, Mapusa. Tiswadi-Mormugao: Sadhale Vishwanath Dattatrai, Progress High School, Panaji. Pernem-Satari-Bicholim: Norma Caeiro, Our Lady of Grace High School, Bicholim. Ponda-Sanguem: Narvenkar Vinayak Krishna Sharada English High School, Marcela. Salcete: Buccam Satish Vasant, Infant Jesus High School Cuncolim. Quepem-Canacona: Parsekar Chandrakant Loli, New Educational Institute Curtorim.
(vii)	Two representatives of the Management of Secondary School.	Prabhu Dessai Subrai Narayan The Hind Education Society, Cuncolim. Sardessai Gangadhar Ramaji The Progress High School Trust, Panaji.

Revenue Department

Notification

No. 22/113/84-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for construction of Canaguinim to Betul Road in V. P. Naquerim in Quepem Taluka.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other per-

Category	Clause No.	Name
Class-C Nominated	(i)	One Headmaster of a Secondary School from Daman & Diu. Mali I. G. Head Master, Sarvajani Vidyalaya, Daman.
	(ii)	One teacher of Secondary School from Daman & Diu. Patel M. C., Sr. Teacher, Government High School, Diu.
	(iii)	One Principal of Secondary Teachers Training College. Miss Rita Paes, Principal, Nirmala Institute of Education, Panaji.
	(iv)	Two reputed Educationists. Dr. G. V. Kamat Helekar, Director, Post Graduate Centre, Panaji. Shri Bhiku Pai Angle, Margao.

This comes into effect from 17th July 1984.

S. G. Amonkar, Chairman Goa, Daman and Diu Board of Secondary and Higher Secondary Education, P. O. Betim-Goa.
Panaji, 3rd July, 1984.

Forest and Agriculture Department

Notification

No. 2-12-80 FD

In exercise of the powers conferred by clause (2) of section 2 of the Indian Forest Act, 1927 (Central Act 16 of 1927), the Lieutenant Governor of Goa, Daman and Diu hereby appoints the officers specified in column 2 as Forest Officers for carrying out the purpose of the said Act in the district specified in corresponding entry in column 3 of the said schedule.

SCHEDULE

Designation of the Officer	District for which appointed as Forest Officer
1	2
1. Dy. Conservator of Forests Dadra and Nagar Haveli.	District of Daman
2. Civil Administrator Diu.	District of Diu

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

S. M. Naik, Under Secretary (Forest and Agriculture).
Panaji, 3rd July, 1984.

sons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Addl. Deputy Collector-I South, Margao to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Additional Dy. Collector-I, South Margao.

3. The Executive Engineer, Works Division XVIII, P.W. D. Ponda, Goa.

4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Additional Dy. Collector-I, South Margao for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts
1	2	3	4	5	6	7
	Quepem	Quitol	61	1 part	1) Mariano Monteiro E. Menezes.	350.00
			65	2 part	1) Maoharao Pai Kane.	1650.00
			67	4 part	1) Rui Tito Vaz.	2400.00
			69	1 part	1) Rui Tito Vaz.	1700.00
					2) Rafeel M. Fernandes.	
			88	1 part	1) Rui Tito Menezes.	2600.00
			92 part	—	1) Pia Fernandes.	2200.00
			86 part	—	1) Comunidade of Quitol.	400.00
			85	1 part	1) Comunidade of Quitol.	2400.00
				2 part	1) Comunidade of Quitol.	350.00
				3 part	1) Comunidade of Quitol.	250.00
			84	1 part	1) Marcelina D'Silva.	375.00
			82	1 part	1) Comunidade of Quitol.	750.00
					2) Vinodkumar Shantilal Gosalia.	
			83	4 part	1) Costance Fernandes.	550.00
					<i>Boundaries:</i>	
					North: Survey No. 61/1, 65/1, 2, 67/4, S. No. 69/1 Road, S. No. 88/1, S. No. 92, S. No. 86, 85/1, 2, 3, 82/1.	
					South: Survey No. 61/1, 65/2, 67/4, S. No. 88/1, S. No. 92, 86, S. No. 85/1, 2, 3, 83/1 Nala.	
					East: S. No. 61/1, 67/4, 88/1, S. No. 92, 85/3, 1, 84/1.	
					West: S. No. 69/1, Road, S. No. 88/1, S. No. 92/ S. No. 82/1, 83/4, village Naquerim.	
	Quepem	Naquerim	119	4 part	1) Marcel D'Silva.	450.00
			120	3 part	1) Vitorin D'Silva.	420.00
			115 part	—	1) Amalia D'Costa.	1600.00
					2) Paulin Rebello.	
					3) Joanita Jacques.	
					4) Benor Barreto.	
					5) Inacin D'Silva.	
					6) Avelin D'Silva.	
					7) Salvador D'Silva.	
					8) Rosario Neves D'Silva.	
					9) Rosario D'Silva.	
					10) Lourecin D'Silva.	
			121	1 part	1) Amalia D'Costa.	1400.00
					2) Paulin Rebello.	
					3) Joanita Jacques.	
					4) Benor Barreto.	
					5) Inacin D'Silva.	
					6) Avelin D'Silva.	
					7) Salvador D'Silva.	
					8) Rusario Neves D'Silva.	
					9) Rusario D'Silva.	
					10) Lourecin D'Silva.	
			114 part	—	1) Paulin Rebello.	400.00
					2) Joanita Jacques.	
					3) Benor Barreto.	
					4) Inacin D'Silva.	
					5) Avelin D'Silva.	
					6) Salvador D'Silva.	
					7) Neves D'Silva.	
					8) Rusario D'Silva.	
					9) Lourecin D'Silva.	
			112	1 part	1) Paulino Rebello.	150.00
					T: Alex Rosa Fernandes.	
					<i>Boundaries:</i>	
					North: Road.	
					South: S. No. 115, 112/1, S. No. 114, Road.	
					East: S. No. 120/3, 121/1, S. No. 114.	
					West: S. No. 119/4, S. No. 115 & S. No. 112/1.	
Total						20,395.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.
M. S. Sail, Under Secretary (Revenue).
Panaji, 18th June, 1984.

Notification

No. 22/133/84-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition of Rural Water supply Scheme to village Mandrem (MDR 1 & 2) Junuswada in Pernem Taluka.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Additional Dy. Collector North-I, Panaji to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

- 1. The Collector of Goa, Panaji.
- 2. The Additional Dy. Collector North-I, Panaji.
- 3. The Executive Engineer, Works Division XVII (PHE), P.W.D. Altinho.
- 4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Additional Dy. Collector North-I, Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Pernem	Mandrem	276(part)	—	Government Land 3/4. Pandharinath Shenavi Lotlikar.	1100.00
			278(part)	—	Anant Ganesh Desai. Vasudev Balaji Desai. Mukund Balaji Desai. Sadashiv Raghunath Desai. Premabai Ramchandra Desai. Govind Venkoji Desai. Bhalachandra Venkoji Desai. Ghanashyam Vainkunt Desai. Sadanand Vainkunth Joshi. Ramnath Vainkunth Joshi. Dwarknath Vainkunth Joshi.	300.00
					Boundaries: North: Survey No. 276 & 278. South: Survey No. 276, 278 and Road. East: Survey No. 276, Survey No. 278. West: Survey No. 276, 278.	
			272	1(part)	Ghanashyam Vainkunth Joshi. Anant Ganesh Desai. Vasudev Balaji Desai. Mukund Balaji Desai. Sadanand Vainkunth Joshi. Premabai Ramchandra Desai. Govind Venkoji Desai. Bhalanchandra V. Desai. Ramnath V. Joshi.	400.00
			272	5(part)	Raghuraj Vassudev Deshprabhu. North: Survey No. 272/1,5. South: Survey No. 272/1,5. East: Survey No. 272/1,5. West: Survey No. 272/1,5,4.	525.00
			272	21(part)	Anand Meghasham P. Desai Deshprabhu.	350.00
			272	12(part)	Ruzario Manual Fernandes. Antino Rodrigues.	100.00
			272	20(part)	Bhalanchandra Venkoji Desai. Shrikant Laximan Lad. Govind Laximan Lad. Raghuraj Vasudev Deshprabhu. Salvador Fernandes. North: Survey No. 272/21, 20, 12. South: Survey No. 272/12, 20 & Survey No. 271. East: Survey No. 272/21, 20. West: Survey No. 272/21.	250.00
Total						3025.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Revenue).

Panaji, 18th June, 1984.

1	2	3	4	5	6	7
Quepem	Cacoda	451	6 part	Janakirana Bhat Dessai.		675.00
			7 part	Keshav Govind Bhat Dessai.		75.00
Boundaries:						
North: S. No. 451/6 & 451/7.						
South: S. No. 451/6 & S. No. 451/7.						
East: Village boundary of Sheldem.						
West: Village boundary of Sheldem.						
Total						16055.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Revenue).

Panaji, 14th June, 1984.

Notification

No. 22/114/84-RD

Whereas it appears to the Appropriate Government (herein-after referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for construction of Dabem road in V. P. Fatorpa in Quepem Taluka.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Additional Dy. Collector South-II, Collectorate of Goa to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

- 1. The Collector of Goa, Panaji.
- 2. The Additional Dy. Collector, South-II Collectorate of Goa.
- 3. The Executive Engineer, Works Division XVIII, P.W.D. Ponda.
- 4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Additional Dy. Collector, South-II, Collectorate of Goa, for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Quepem	Fatorpa	66	—	1) Shevato S. Sawant Dessai. 2) Vithal S. H. Dessai. 3) Antonio Colaco. 4) Ezolina Colaco. 5) Shankar Fatopekar.	1900.00
			65	—	1) Fondo Y. H. Dessai. 2) Ricardina Colaco. 3) Fernand Colaco. 4) Comunidade of Fatorpa.	900.00
			62	1 part	1) Comunidade of Fatorpa. 2) Fondu Zulpo H. Dessai. 3) Kusta Shankar H. Dessai. 4) Vithoba Shankar H. Dessai. 5) Machu Vairo H. Dessai. 6) Dharmu Vithal H. Dessai.	1900.00
			62	2 part	1) Ricardina Colaco. 2) Fernando Colaco.	4000.00
			63	—	1) Comunidade of Fatorpa.	500.00
			64	—	1) Comunidade of Fatorpa.	10000.00

Boundaries:

North: S. No. 66, 62/1 and 64.
South: S. No. 64 and 63 and Village Morila.
East: S. No. 66, 65, 62/1, 62/2 and Village Morila.
West: S. No. 64.

1	2	3	4	5	6	7
	Quepem	Morpila	19	—	Forest Department.	750.00
			18	7 part	1) Remedio Minguel Colaso.	950.00
			18	8 part	1) Shri Mallicajun temple (Property).	100.00
			20	2 part	1) Kusta H. Dessai.	1000.00
					2) Kushali Soru H. Dessai.	
					3) Phondo Zulpo H. Dessai.	
			20	3 part	1) Comunidade of Fatorpa.	6500.00
			20	8 part	1) Comunidade of Fatorpa.	100.00
			8	1 part	1) Fondu Purso Vellip.	900.00
					2) Nagu Damu Vellip.	
			8	2 part	1) Irwin Barros.	100.00
					2) Nagu Damu Vellip.	
			8	4 part	1) Babu Shanu Vellip.	2100.00
					2) Ziva Sukdo Vellip.	
					3) Fondu Purso Vellip.	
					4) Nagu Damu Vellip.	
					5) Chimut Nagu Vellip.	
					6) Vithoba Paik Gaonkar.	
					7) Koiro Salkar Vellip.	
					8) Irwin Barros.	
			8	6 part	1) Comunidade of Balli.	200.00
					T: Babji Govind Gauns Dessai.	
					Babuso S. Vellip.	
			93	1 part	1) Vithaldas Yeshwant Pai Cacodo.	350.00
			93	3 part	1) Vithaldas Yeshwant Pai Cacodo.	800.00
			90	2 part	1) Irwin Barros.	250.00
					T: Eiyat Govind Vellip.	
Boundaries:						
North: Village Fatorpa, S. No. 19, 18/7, 20/3,						
8/1, 8/4, 8/6, 93/1, 93/3.						
South: S. No. 6/1, 20/2, 20/3, 8/1, 8/4, 8/6,						
93/1 and 93/3.						
East: S. No. 6/1, 20/2, 20/3, 8/1, 8/4, 93/1						
and 93/3.						
West: Village Morila S. No. 19, 18/7, 20/3,						
8/1, 8/2, 8/4, 8/6 & 90/2.						
Total						33200.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Revenue).

Panaji, 14th June, 1984.

Public Health Department

Order

No. 5/142/83-PHD

Read: 1. Memorandum No. 5/142/83-PHD dated 7-2-1984.

2. Order No. 5/142/83-PHD dated 18-2-1984.

The Memorandum referred to above offering the post of Lecturer-cum-Epidemiologist in Goa Medical College, Panaji to Dr. Y. Kobragade and subsequent Order cited above appointing him against the said post are hereby cancelled as Dr. Kobragade has expressed his inability to take up the post.

S. V. Bhadri, Under Secretary (Health).

Panaji, 3rd July, 1984.

Order

No. 5/10/84-PHD

The appointment of Dr. Sarmiento A. Gomes to the post of Medical Officer under the Directorate of Health Services issued vide Government order of even number dated 6-4-1984 stands cancelled.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. V. Bhadri, Under Secretary (Health).

Panaji, 4th July, 1984.

Order

No. 5/10/84-PHD

On the recommendation of the Local Selection Committee Dr. Jayant M. Dessai is appointed on ad-hoc basis to the post of Medical Officer/Rural Medical Officer/Jr. School Health Officer under the Directorate of Health Services, Panaji and posted at Leprosy Hospital, Macasana as Medical Officer against the vacant post with immediate effect in the scale of Rs. 650-30-740-35-810-EE-35-880-40-1000-EE-40-1200 and on the terms and conditions contained in the Government Memorandum of even number dated 9-3-84.

The above appointment will not bestow on the person a claim for regular appointment and the services rendered on ad-hoc basis in the grade would not count for the purpose of seniority in that grade of eligibility for promotion to the next higher grade.

The doctor has been medically examined and found fit by the Medical Board, Panaji.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. V. Bhadri, Under Secretary (Health).

Panaji, 4th July, 1984.

Order

No. 5/97/79-PHD-Jr. Anaesthetist

The appointment of Dr. Sunil P. Naik Amonkar made vide Government Order of even number dated 8-3-1984 is

hereby cancelled as the candidate failed to report for duty by the prescribed date.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. V. Bhadri, Under Secretary (Health).

Panaji, 7th July, 1984.

Order

No. 5/97/79-PHD-Jr. Anaes.

The appointment of Dr. S. V. Korgaokar made vide Government Order of even number dated 27-4-1984 is hereby cancelled as the candidate has conveyed his inability to accept the post.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. V. Bhadri, Under Secretary (Health).

Panaji, 7th July, 1984.

Industries and Labour Department

Order

No. 28/3/84-ILD-Part

Whereas the Lieutenant Governor of Goa, Daman and Diu is of the opinion that an industrial dispute exists between the management of M/s. Margao Mahila Consumer Co-operative Society Limited, Margao, Salcete-Goa, and their workman, Mrs. Brenda Coutinho, Cashier, resident of Madicotto Cuncolim, Salcete-Goa, in respect of the matters specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Lieutenant Governor of Goa, Daman and Diu considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Lieutenant Governor of Goa, Daman and Diu hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu, Panaji-Goa, constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of M/s. Margao Mahila Consumer Co-operative Society Limited, Margao, Salcete-Goa, in terminating the services of Mrs. Brenda Coutinho, Cashier with effect from 14-8-1983 is legal and justified?"

If not, to what relief the workman is entitled to?"

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 30th June, 1984.

Order

No. 28/23/84-ILD

Whereas the Lieutenant Governor of Goa, Daman and Diu is of the opinion that an industrial dispute exists between the management of M/s. Bencomar Hotels (Goa) Private Limited, Hotel Silver Sands, Colva, Salcete-Goa and their workman Shri John Pegade, Bell Captain, resident near Church, Vaddant, Vasco-da-Gama, Goa, in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Lieutenant Governor of Goa, Daman and Diu considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Lieutenant Governor of Goa, Daman and Diu hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu, Panaji constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of M/s. Bencomar Hotels (Goa) Private Limited, Hotel Silver Sands, Colva, Salcete-Goa in termination of the services of Shri John Pegado, Bell Captain with effect from 31-7-1983 is legal and justified?"

If not, to what relief the workman is entitled to?"

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 30th June, 1984.

Order

No. 28/14/84-ILD

Whereas the Lieutenant Governor of Goa, Daman and Diu is of the opinion that an industrial dispute exists between the management of M/s. Goa Co-operative Marketing & Supply Federation Limited, Municipal Market, Panaji-Goa, and their workman, Miss Shalan Gawas, Sales-girl, resident at Tankwada, Usgao, Ponda-Goa, represented through All Goa Co-operation Workers' Union, behind Municipal Building, Panaji-Goa, in respect of the matters specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Lieutenant Governor of Goa, Daman and Diu considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Lieutenant Governor of Goa, Daman and Diu hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu, Panaji constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of M/s. the Goa Co-operative Marketing and Supply Federation Limited, Panaji in terminating the services of Kun. Shalan K. Gawas, Sales-girl, Ponda-Goa, with effect from 29-7-1980, is legal and justified?"

If not, to what relief the workman is entitled to?"

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 30th June, 1984.

Order

No. 28/22/84-ILD

Whereas the Lieutenant Governor of Goa, Daman and Diu is of the opinion that an industrial dispute exists between the management of M/s. U.T.C. Tourism Private Limited, Hotel Silver Sands, Colva, Salcete-Goa and their workman Shri Simon Luis, Cashier, resident of Banda, Assolna, Salcete-Goa in respect of the matters specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Lieutenant Governor of Goa, Daman and Diu, considers it expedient to refer the said dispute for adjudication.

Now, therefore in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Lieutenant Governor of Goa, Daman and Diu hereby refers the said

dispute, for adjudication to the Industrial Tribunal of Goa, Daman and Diu, Panaji constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of M/s. U.T.C. Tourism Private Limited, Hotel Silver Sands, Colva, Salcete-Goa, in terminating the services of Shri Simon Luis, Cashier w.e.f. 21-12-1983 is legal and justified?"

If not, to what relief the workman is entitled to?"

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 4th July, 1984.

Notification

No. 25/11/79-ILD(i)

In exercise of the powers conferred by clause (a) of sub-section (1) of section 5 read with section 9 of the Minimum Wages Act, 1948 (Central Act 11 of 1948), the Administrator of Goa, Daman and Diu hereby appoints the Committee consisting of the employers representatives as well as the representatives of employees consisting of the following members to hold the enquiries and advise the Government in respect of revision of minimum rates of wages in respect of the Scheduled employments hereby:—

- 1) Employment in any residential hotel, restaurant or eating house.
- 2) Employment in any shop or commercial establishment other than a residential hotel, restaurant or eating house.
- 3) Employment in Cinema Exhibition Industry.
- 4) Employment in any Industry in which any process of printing by letter press, lithography, photogravure or other similar work or work incidental to such process or book-binding is carried on.

Constitution of the Committee

I. Representing Employers:—

- a) The Secretary, Goa Chamber of Commerce & Industry, Panaji.
- b) The President, Goa Hotel & Restaurant Association, Panaji.
- c) Shri J. D. Fernandes, Panaji.
- d) The Chairman, Goa Theatre Owners Association, Panaji.

II. Representing Employees:

- a) The President/General Secretary, Hotel Workers Union, Panaji.
- b) President/General Secretary, Goa Shops and Industrial Workers Union, 150 Comba, Margao (Goa).
- c) President/General Secretary, Goa Trade and Commercial Workers Union, 2nd Floor, Velho Building, Panaji.
- d) President/General Secretary, Cinema Employees Union, Zuari Nagar, Vasco.

III. Independent Members:

- a) Shri Vishnu Rama Naik.—Chairman.
- b) Director of Information, Panaji or his nominee —Member.
- c) Manager, Government Printing Press, or his nominee —Member.
- d) Assistant Labour Commissioner, Panaji —Member Secretary.

Terms of Reference

1. The Committee shall adopt such methods as they feel convenient considering the essentials and priorities of the employers and the employees employed therein, so as to recommend on fixation of minimum rates of wages in cash or kind or both, for child, adult or adolescent employee based on the working hours and adding or abridging the existing category/designations prevalent in the employment by dividing the wage fixation into unskilled, semi-skilled, Highly skilled clerical and supervisory, whether

to include or not, wages so suggested for the weekly rest day. The committee may recommend different wages for different areas/designations together with the reasons and justification.

2. To suggest an escalation clause to take care of cost of living Index together with its rate per point to rise or fall and the year to be taken as base year for such calculation and the point of price index where from it could take further action.

3. The Committee shall submit its report within eight months from the date of publication of this notification in the Official Gazette.

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 2nd June, 1984.

Notification

No. 25/11/79-ILD(ii)

In exercise of the powers conferred by clause (a) of sub-section (1) of section 5 read with section 9 of the Minimum Wages Act, 1948 (Central Act II of 1948), the Administrator of Goa, Daman and Diu hereby appoints the Committee consisting of employers representatives as well as representative of the employees to hold enquiries and advise the Government in respect of fixation or revision of minimum rates of wages in respect of the following Scheduled employments namely:—

Second Group

- 1) i) Employment in construction or maintenance of roads or in building operation (ii) Stone breaking and stone crushing and (iii) Maintenance of building.
- 2) Employment in Public Motor Transport and Employment in Motor Transport Undertakings.
- 3) Employment in Automobile Repairing workshop and Garages.

Constitution of Committee

I. Representing Employers:

- a) Shri Anil Angle, Panaji.
- b) Chief Engineer, P.W.D. Goa, Daman and Diu or his authorised nominee.
- c) The General Manager, Kadamba Transport Corporation, Panaji.
- d) Secretary, Goa Contractors Association, C/o. M.S.B. Caculo, Panaji.

II. Representing Employees:

- a) President/General Secretary, The National Commercial and General Employees Sangh (INTUC), Vasco.
- b) President/General Secretary, All Goa General Employees Union, P. O. Box No. 90, Vasco.
- c) General Secretary, Goa Road and General Transport Workers Union.
- d) Vice President of United Bargemens Association, (HMS), Vasco.

III. Independent Members:

- a) Shri N. I. Tandel—Chairman.
- b) Executive Engineer, P.W.D. II, Panaji —Member.
- c) A nominee of the Directorate of Municipal Administration—Member.
- d) Assistant Labour Commissioner, Panaji —Member Secretary.

Terms of Reference

1. The Committee shall adopt such methods as they feel convenient considering the essentials and priorities of the employers and the employees employed therein, so as to recommend fixation of minimum rates of wages in cash or kind or both, for child, adult or adolescent employee based on the working hours and adding or abridging the existing category/designations prevalent in the employ-

ment by dividing the wage fixation into unskilled, semi-skilled, Highly skilled clerical and supervisory, whether to include or not, wages so suggested for the weekly rest day. The committee may recommend different wages for different areas/designations together with the reasons and justification.

2. To suggest an escalation clause to take care of cost of living Index together with its rate per point to rise or fall and the year to be taken as base year for such calculation and the point of price index where from it could take further action.
3. The Committee shall submit its report within eight months from the date of publication of this notification in the Official Gazette.

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 2nd June, 1984.

Notification

No. 25/11/79-ILD(iii)

In exercise of the powers conferred by clause (a) of sub-section (1) of section 5 read with section 9 of the Minimum Wages Act, 1948 (Central Act 11 of 1948), the Administrator of Goa, Daman and Diu hereby appoints the Committee consisting of the following members to hold the enquiries and advise the Government in respect of fixation or revision of minimum rates of wages in respect of the Scheduled employments namely:—

Third Group

1. Employment in Agriculture.
2. Employment in Cashew Factories & Establishments.

Constitution of the Committee

I. Representing Employers:

- a) Representative of the cashew factory owners Association.
- b) Representative of Hindustan Ciba Geigy of India Limited (Horticulture).
- c) Representative of Timblo Agro Development Private Limited, Sanguem (Goa).

II. Representative of Employees:

- a) General Secretary, All Goa General Employees Union.
- b) General Secretary, Goa Trade and Commercial Workers Union, 2nd Floor, Velho building Panaji, Goa.
- c) General Secretary, the National Commercial and General Employees Sangh (INTUC), Vasco.

III. Independent Members:

- a) Shri Vasu Paik Gaonkar—Chairman.
- b) Director of Agriculture, Panaji or his nominee—Member.
- c) Assistant Labour Commissioner, Panaji—Member Secretary.

Terms of Reference

1. The Committee shall adopt such methods as they feel convenient considering the essentials and priorities of the employers and the employees employed therein, so as to recommend fixation of minimum rates of wages in cash or kind or both, for child, adult or adolescent employee based on the working hours and adding or abridging the existing category/designations prevalent in the employment by dividing the wage fixation into unskilled, semi-skilled, Highly skilled clerical and supervisory, whether to include or not, wages so suggested for the weekly rest day. The committee may recommend different wages for different areas/designations together with the reasons and justification.
2. To suggest an escalation clause to take care of cost of living Index together with its rate per point to rise or fall and the year to be taken as base year for such calculation and the point of price index where from it could take further action.
3. The Committee shall submit its report within eight months from the date of publication of this notification in the Official Gazette.

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 2nd June, 1984.

Notification

No. 25/4/84-ILD

In exercise of the powers conferred by sub-section (2) of section 3 of the Trade Unions Act, 1926 (Central Act 16 of 1926), the Lieutenant Governor of Goa, Daman and Diu hereby appoints Shri R. S. Mardolkar, Assistant Labour Commissioner, as the Additional Registrar of Trade Unions for the purpose of exercising and discharging, under the superintendence and direction of the Registrar of Trade Unions, all the powers and functions of the Registrar of Trade Unions under this Act within the Union territory of Goa, Daman and Diu.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 11th July, 1984.

Order

No. 28/2/84-ILD

The following Awards given by the Industrial Tribunal, Goa, Daman and Diu are hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 16th June, 1984.

IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN & DIU, PANAJI-GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference No.: IT/44/75

1. Shri Kanta Ghatwal — Workman/Party I
V/s.

1. M/s. Chowgule & Co. Pvt. Limited. — Employer/Party II

Workman/Party I represented by Adv. F. Rebelo.

Employer/Party II represented by Shri R. Desai, Labour Advisor.

Panaji, Dated: 17-4-1984

AWARD

In this reference made by the Govt. to this Tribunal by its Order No. CLE/1/ID(167)/75/IT/28/75/1701, dated 28th December, 1975, for adjudication of an industrial dispute between the above parties, the schedule attached to the Order of Reference reads as follows:

"Whether the action of the Management of M/s. Chowgule & Co. Pvt. Ltd., Mormugao Harbour (Goa) in dismissing Shri Kanta Ghatwal, Scaler, Ship Building Division of Sirigao Yard, with effect from 5-7-1975 was legal and justified?

If not to what relief the concerned workman is entitled to?"

2. The case of the workman, as per his statement of claim, is as follows:

He was an employee of the employer Company working as scaler in the Ship Building Division (SBD), at Sirigao. Since the time of his appointment, he has been serving the Company faithfully and diligently. He was also one of the active members of the Union, spousing the cause of the workmen of SBD. In the month of May-June 1975, some 20 employees of the SBD were deputed to the Dressing Plant at Sirigao on 3-6-1975; the deputed workers refused to obey the orders of transfer, which, according to them, were illegal. Because of such refusal, they were charge-sheeted and this gave rise to a strike of all the workers of the SBD. On 9-6-1975, when the strike was going on, Shri A. M. Gaikwad, a Labour Officer of the Company, lodged a false complaint with the Management that he was assaulted by the workman. Consequent upon this complaint, the workman was charge sheeted on 11-6-1975 and suspended. Date was also fixed for the inquiry on 19-6-1975 at SBD, Sirigao, which the workman could not attend due to demonstrations by the strikers near the gate. Hence, the inquiry was conducted ex-parte and the workman held guilty by the Inquiry Officer of the following charges:

(i) going on illegal strike and acting in furtherance of such strike;

(ii) assault on and intimidation of superior officers of the Company; and

(iii) riotous, disorderly and indecent behaviour and acts subversive of discipline.

Show cause notice was issued to the workman as to why he should not be dismissed. The workman replied to the notice and asked for a fresh inquiry, since he was prevented from attending the earlier one, but this request was not granted and the workman was dismissed by letter dated 5-7-1975. On 4-8-1975, the Union called upon the Management to hold a fresh inquiry and challenged the dismissal as an act of victimization for workman's Union activities. The workman also filed an appeal to the Mg. Director as per the Standing Orders of the Company, but the Mg. Director failed to take any action on the matter. The Labour Commissioner's intervention was sought by the Union. Before the Labour Commissioner, both the parties agreed that the matter be referred to the Tribunal under Section 10 (2) of the Act and, hence, this reference. Then, the statement of claim goes on specifying the various grounds on which the ex-parte order passed against the workman should be set aside and prays that the dismissal be declared illegal, null and void and that the workman continues to be in employment and, consequently, entitled to all arrears of salary or, in the alternative, he be reinstated with full back wages and continuity of service.

3. In its written statement, the employer company has raised a preliminary objection regarding the maintainability of the reference, and, on the merits, has tried to justify the order of dismissal passed on the workman after holding an ex-parte inquiry.

4. By consent, the following issue was framed by the Court:

"Whether the inquiry held against the first party has been fair and proper?"

On this preliminary issue, only the workman led his evidence. Heard the arguments of both the parties rep., order was passed on 18-3-1978 by my Ld. Predecessor, Shri Kholali, holding that the ex-parte inquiry conducted by the employer was not proper.

5. At the request of the parties, fresh inquiry before the Tribunal was held. In this inquiry, the employer led the evidence of Shri Ashok Gaikwad, Labour Officer of the employer, of Shri Shridhar Borkar, Mines Manager and of N. H. Haldankar, P.S.I., and the workman's rep. the evidence of the workman Kanta Ghatwal and of Shri Anand Krishna Govekar. Arguments of both the parties rep. were heard and now the file is before me for passing Order.

6. Shri Ashok Gaikwad, in his statement before the Tribunal, has stated that, at the relevant time, he was working as Jr. Labour Officer at Sirigao Mines and SBD of the employer company; he knows the concerned workman. His story is that, on 9-6-1975, at about 2.30 p.m., when he was going to work after lunch, on the way to the main gate near the club house, he saw a group of workers of SBD, who were on strike. He could recognize some of them, namely Kamlakant Gadekar, Anand Govekar and Kanta Ghatwal, the concerned workman. As soon as they saw him, all except Kanta Ghatwal, retreated. As he, Gaikwad, was proceeding towards the office, Kanta started coming in his direction and near the dhobi shop, Kanta came in his way and when he, Gaikwad, tried to avoid him, the workman came in front of him, touched his shirt and asked him where he was going. Gaikwad replied that he was going to office. Kanta gave him a blow on the left cheek; to another question of Kanta regarding the number of persons to whom he, Gaikwad, had issued letters and before he could give any reply, Kanta slapped him on the same cheek and told him in this way in Marathi: "Were you not aware of my influence and power I wielded in this area" and warned him not to go to office, failing which consequences would follow. Kanta also abused him. Thereafter, he did not go to the office, but went to the canteen side and from there telephoned to the Mines Manager, Shri S. N. Borkar and narrated the incident to him. Borkar instructed him to go to the quarters and wait there. Sometime after, Borkar came to his residence, accompanied by P.S.I. Haldankar, Shri Gaikwad narrated the incident to them and was advised by P.S.I. Haldankar to go to the Bicholim Police Station. He went there and gave a written complaint narrating the incident that had taken place that afternoon. Then, he was taken to the Primary Health Centre where he was treated and sent home. He also lodged a complaint with the Manager SBD. After this complaint, there was a departmental inquiry, in which the workman did not participate.

In his cross, he has stated that the distance between the Yard and the place where he was assaulted would be about one kilometer and between the said place and his quarters, about 200 meters. Between 7th and 9th June, only he filed a complaint regarding assault; no other Officer was assaulted. After that complaint and the settlement of the strike, no other Officer was assaulted but they were prevented from entering the premises. Never-the-less, some of the Managers entered the premises with police protection. Others were advised not to enter, due to violence. The obstruction of the workers was only near the main gate and the police was also posted near the gate. Before the day of assault, he had not signed any charge sheet, but the Management had issued charge sheets to 20 workmen, which were signed by the Yard Manager and served on the workers before 9th June, but the Yard Manager was not assaulted. Even after the assault, no police protection was either given to him or other Officers while proceeding from the Colony to the Yard. Before the day of the incident, he had no occasion either to issue memo or charge sheet against the workman. Kanta was not a Union Leader, nor an active member of the Union. Near the spot of the incident, there are about 2 houses, both inhabited, but no person came to assist him at the time of assault. There were also several persons at the Mhapsenkar Shop, when he went to collect the newspaper. At the time of the incident, no persons were present on the spot. There were altogether 6 persons near the scene of the offence, whose names he had given to the Management but the Management did not summon them as witnesses at the inquiry. It is true that Kanta did not give him a blow, but slapped him very hard. He knows the difference between a slap and a blow. No doctor was examined during the inquiry. In spite of the threats, he continued to go to the office except on that afternoon. He has denied that the entire incident was concocted at the instance of the Management. The police did not file any case against the workman in the court of law. Although there were stone throwing incidents at night, no complaints were lodged with the police and no police escort was provided to the Officers to go from the colony to the Yard. Between 9th and 23rd June no stones were thrown on his house.

7. The next witness is Shridhar Borkar, Mines Manager. He has stated that, on 9-6-1975, at about 3 p.m., he received a telephone message from Gaikwad stating that, while he was coming to the office, he met Ghatwal, who slapped him twice on the face and stopped him from coming to the Office. Gaikwad was talking from the canteen. The witness told him to go to the quarters and wait for him and that he would come within a short time. The witness came down and contacted P.S.I. Haldankar and took him to Gaikwad's quarters. Gaikwad narrated the whole incident to them more or less in the same way Gaikwad has stated in his statement. Haldankar told Gaikwad that he will have to lodge a police complaint in writing. The witness did not accompany Gaikwad to the Police Station.

In his cross: he has stated that, as Mines Manager, he had nothing to do with SBD. Shri S. B. Desai, the Officer in charge of the SBD, was in his office; the 2 offices are located in 2 different buildings. When he saw Gaikwad at his quarters he had his left cheek swollen. The witness was never assaulted by the workers of the SBD. Before he took the police officer to Gaikwad's colony, Gaikwad had not informed any police Officer about the incident. He has denied the suggestion that the entire incident was fabricated. He has admitted that, during the strike, there was no violent activity by the workers except that the workers and Officers were not permitted to enter the premises of the Mines and SBD.

8. The last witness of the employer is P.S.I. N. H. Haldankar. He has stated that, in 1975, when he was on duty at Chowgule Mines during the strike period, Mr. Gaikwad came to him and stated that Mr. Ghatwal had threatened and abused him; he advised Gaikwad to go and lodge a complaint at the police station.

9. This is all the evidence led by the employer.

The workman, in his statement, has given a totally different version of the incident narrated by Gaikwad. According to him, the employees of SBD were on strike because of their transfer to the Mines. This strike commenced on 7th June 1975. The strike call was given by the Union. The workman was a member of the Union and also a member of the action committee. On 11th June, he was served with charge sheet containing an allegation that he had assaulted the Labour Officer, Shri Gaikwad, and calling upon him to attend the inquiry on the date fixed. When he proceeded to attend the inquiry, he was stopped by the other workers. Thereafter, he received show cause notice as to why his ser-

vices should not be terminated. He went and handed over the letter dated 5-7-1975 (Exh W-1); 2-3 days after, he received another letter (Exh W-2) terminating his services; he made a representation to the employer (Exh W-3), but with no result. At the time of the strike, he was a Village Panchayat Member, Chairman of the School Committee and also a freedom fighter. On the day previous to the incident, he met Shri Gaikwad, who told him to persuade the workers to call off the strike, as he was having substantial support amongst the workers and the people in the village. He told Shri Gaikwad that it was not proper for him to do such a thing, as he did not want ill will of the workers. On the next day, at about 2.00 or 2.30 p.m., he was returning from the dhobi shop with his clothes when he met Gaikwad, who asked him whether he had decided to resume work. The workman told him that he too should join the strike. It is the workman's feeling that he was charge sheeted because he refused to come back with the workers in the Yard and also because 15 days before he had refused to sell to the Company his property near the house.

In his cross: he has denied the suggestion that the atmosphere during the strike was tense. He has stated that the atmosphere was quiet and peaceful; 20 workers of SBD, who had received the transfer order, were charge-sheeted before the commencement of the strike. He has denied the suggestion that, at the time of the incident, he accosted Shri Gaikwad when he was going to work, caught hold of his shirt and arrogantly asked him as to how many letters he had issued to other workers and then slapped him on his left cheek and also threatened him.

10. Anand Govekar is the witness of the workman. He has stated that, on 9th June, at about 2.30 p.m., when he was near the club, he saw Kanta Ghatwal who, when questioned, told him that he was going to the laundry. When Kanta returned from the laundry, the witness saw him talking to Shri Gaikwad about 30 mts. away from the club house. They talked for about 2 minutes and then Gaikwad proceeded towards the canteen and the workman went towards the gate. The witness did not notice anything else.

In his cross, he has stated that he came to know about the charge of assault against the workman only when the latter was removed from services.

11. Except the allegation of assault made by Shri Gaikwad against the workman, there is no other evidence of such assault. Shri Borkar, Mines Manager, has stated that Gaikwad's face was swollen. However, no doctor was examined, although, according to Gaikwad, he was sent to the Primary Health Centre after lodging the complaint, treated there and sent home. The written complaint lodged with the police was also not produced.

12. P.S.I. Haldankar, according to Gaikwad and Borkar, came to his quarters, heard his story and advised him to go to the Police Station and lodge a complaint in writing. However, the said P.S.I. had given a different story. He has stated that he was on duty at Chowgule Mines when Mr. Gaikwad came to him and stated that Ghatwal had threatened and abused him. He advised Gaikwad to go to the Police and lodge a complaint. This witness is silent about having gone to the quarters of Gaikwad accompanied by Borkar and also did not refer to any assault committed on Gaikwad, as complained of by the latter.

13. Borkar has stated that he has nothing to do with the SBD as he is the Mines Manager and who is in charge of SBD is another Officer by the name of S.B. Desai who, at that time, was also available at the office. If it is so, I fail to see as to why Shri Gaikwad phoned to Shri Borkar informing him about the assault when the SBD Officer was also available in the office. This fact, considered along with the statement of P.S.I. Haldankar, which statement does not support Gaikwad and Borkar's version regarding the assault, raises doubts about the credibility of the statement given by Shri Borkar, supporting Gaikwad.

14. Further, no reason is shown as to why the workman would assault Shri Gaikwad during the strike period. Gaikwad had not signed any charge sheet against the workers, which charge sheets were signed by the Yard Manager. Admittedly, no other Officer was also assaulted during that period and there were no cases of violence against the Officers or workers. Being so, I fail to see as to why Shri Gaikwad alone would be assaulted by the concerned workman.

15. At any rate, it was for the employer to prove convincingly that the workman had assaulted, abused and threatened Shri Gaikwad, which the employer has failed to do. In the absence of such evidence, I answer to the reference by passing the following order:

ORDER

The charges of assault, threats and abuses levelled against the workman are not proved and, hence, the dismissal order passed against him by the employer is illegal and not justified. The workman shall forthwith be reinstated with full back wages and continuity of service. Costs of Rs. 300/- to be paid by the employer to the workman.

Dr. Renato de Noronha
Presiding Officer
Industrial Tribunal

IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN AND DIU, PANAJI-GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference No.: IT/7/79

1. Shri Ram Singhbal Bhadur — Workman/Party I
V/s.
 1. M/s. Deepak Sales Corporation — Employer/Party II
- Workman/Party I represented by Adv. A. Aga.
Employer/Party II represented by Shri C. J. Mane, Labour Advisor.

Panaji. Dated: 17-4-1984

AWARD

The Government of Goa, Daman and Diu, by its Order No. IRM/CON/(45)/78/IT-3/79 dated 20th February, 1979, has referred for the adjudication by this Tribunal an industrial dispute between the above parties. The schedule attached to the Order of reference reads as follows:

"Whether the action of the Management of M/s. Deepak Sales Corporation, Panaji Goa, in terminating the services of Shri Ram Singhbal Bhadur, watchman, with effect from 1-4-1978 is legal and justified;

If the answer be in the negative, to what relief if any, is the aforementioned workman entitled to?"

2. The case of the workman, in his statement of claim, filed by the Union, is that the workman was employed by the employer Corporation as a Watchman for the period of 1 year and 4 months, i.e. 1-12-1976 to 31-3-1978; he was paid his wages at the rate of Rs. 175/- per month; he used to work around the clock for 24 hours a day for the entire period of his services, but was not paid any overtime for extra hours of work rendered by him. The employer illegally terminated his services without initiating any disciplinary proceedings or holding an inquiry, as contemplated by law. This arbitrary act of termination on the part of the Management is void and bad in law. His services were terminated w.e.f. 1-4-1978. The Union, through its regd. letter dated 8-4-1978, requested the employer to reinstate the workman with full back wages, but the Management failed to reply to the said letter. Thereafter, the matter was taken up before the Labour Commissioner, but conciliation proceedings ended in failure and, hence, this reference. The workman was not paid his wages for the month of March 1978, he was also denied bonus, overtime and earned leave. He has prayed that he may be reinstated with full back wages and also paid of all his legal dues, 2 months wages as bonus, unpaid wages for the month of March 1978 and paid leave for 2 months.

3. The employer, in its written statement, has raised preliminary objection concerning lack of jurisdiction of this Tribunal to adjudicate upon the claims of the workman in paras 2, 6, 7 and 8 of the statement of claim, i.e. payment of overtime, wages of March 1978, earned leave and bonus.

On the merits, it is stated that it is the workman himself who approached the employer and explained his desire to leave the job from 1-4-1978 for better prospects and, accordingly, the employer orally relieved him from services and issued him a service certificate as per his request; thus there was no termination of services by the employer but by the employee himself with the consent of the employer. At the time of termination, the employer offered to the employee his legal dues, which the workman did not collect only because he did not want to pay back the money he owed to the employer. Even now, the employer is ready to pay him his legal dues, if any. Regarding the points raised in the

preliminary objection, the employer has made its submission, which I am not going to reproduce here, as the preliminary objection was upheld by the Tribunal by its Order dated 27-8-1980. After this last order was passed, the workman filed a separate application under Section 33C(2) of the Industrial Disputes Act, 1947, in short the Act, to the Labour Court, claiming the amounts covered by the said order, which application registered under No. LCC/47/80 was disposed off by me by my Award dated 1-9-1982.

4. So, the only issue now left for the decision of this Tribunal in this reference is as to whether the services of the workman were illegally terminated by the employer or whether the workman left the job on his own and, in case there has been any illegal termination of services, what relief is the workman entitled to?

5. On this issue, the workman's rep. led the evidence of the workman himself and of his wife and the employer, the evidence of Shri P. M. Raythatha, the proprietor of the firm.

6. In his statement before the Tribunal, the workman has stated inter-alia that he was employed by the employer as a watchman of the hardware godown the employer possesses at Miramar on 1-12-1976 and continued there till 31-3-1978, his salary was Rs. 175/- per month for the normal work of 8 hours per day, plus overtime for the exceeding hours and other allowances. He got his salary regularly every month except the salary of March 1978, which remained unpaid till this date. The employer was satisfied with his work and never issued him any memo. On 31-3-1979, when he went, as usual, to the shop of the employer near Municipal Market to collect his salary of March, the Manager of the employer asked him to meet the employer in person, as the employer told him not to disburse the workman's salary. Then he went to meet the employer in his office near the Criminal Court at Panaji. The employer told him that he was busy and asked him to come to his shop in the evening at 7.30 p. m., because at that time he too would be there. Accordingly, he went there and the employer told him that he did not require his services any more and that he should not report for duty from the next i. e. from 1-4-1980. When he inquired from the employer the reason for dispensing with his services, the employer got angry and said that it was none of his business to know the reason. When the employer was asked to release his salary, he replied that the workman had only Rs. 25/- to his credit, after deducting the loan of Rs. 120/- taken by him. There was a dispute between the 2 because of this payment, in the course of which the employer became violent and got up from his chair, tried to jump on him and used filthy language and threatened him to leave the place immediately, failing which he would show him his strength. On the 3rd, he again contacted the employer for reconciliation, but the employer declined to do anything. Then, he asked the employer to give him in writing about the termination of his services, but the employer declined. Finally, on the advice of his Advocate, Aga, he got the certificate of service from the employer with a view to have the proof of his services with the employer. It is contended that the termination of his services by the employer is illegal and so he should be reinstated with full back wages.

In his cross, he has stated that, during the tenure of his job, his relations with the employer were very good. It is true that he refused to accept the salary with the deductions of the loan amount of Rs. 150/-. The employer willingly issued him a service certificate. He was not threatened by the employer at any time except on 31-3-1978 and from 1st to 3rd April, 1978.

7. The other witness for the workman is his wife Magbul Banu. The only relevant fact she has deposed is that she came to know that her husband was not working for the employer after about 6 months of his removal. Her husband did not tell her the reason for the removal. When she came to know of the removal, she told her husband to go and find out the reason. He went and came back saying that the employer got hot with him and even came to assault him and did not give any reason.

8. The employer, in his statement, has stated that he had very good relations with the workman during the tenure of services; he did not remove him from services, but it is the workman who left the job on his own for better prospects; the workman asked for the service certificate, which was issued to him, Exh E-1; the workman came to collect his dues and, at that time, he was demanding legal dues including bonus, leave salary etc. He told him that he would get advice on this point and, accordingly, pay him whatever was due, but the workman left and never turned

up. In his cross, he has stated that the workman did not give any resignation letter but told him orally that he wanted to resign. He had to receive salary of one month, which he refused to accept; he has denied the suggestion that the employer used to harass the workman during his services that one day he would terminate his services; there was no attendance register for the workman but only for the other staff; no termination letter was given to the workman.

9. As stated in para 5 above, the only issue now before the Tribunal is whether there has been any legal termination of services of the workman by the employer, as contended by the workman or whether the workman has resigned from services on his own, as contended by the employer.

10. It is an admitted fact that the workman was working for the employer as watchman of his warehouse at Miramar from 1-12-1976 till 31-3-1978, with a monthly salary of Rs. 175/- and that, during the entire period of services, there were very good relations between the two.

Exh E-1 produced by the employer is the service certificate of the workman dated 4-4-1978, issued by the employer on the workman's request. It is clearly mentioned in this certificate that the workman left the employer's service of his own accord to seek better prospects elsewhere.

Workman's contention that what is stated in Exh E-1 regarding leaving the job of his own accord to seek better prospects is not correct and that he accepted the said certificate only as proof that he had worked for the employer, cannot be accepted. The employer has stated that the workman was paid of his salaries every month against the register where the workman used to put his signature on a revenue stamp and there was no suggestion in cross examination that this statement was not true. I myself have seen this register in the other application filed by the workman against the employer claiming his dues. If such register was maintained and the employer is bound to maintain it under the Shops and Establishments Act-It would be very easy for the workman to prove his services with the employer during the relevant time. Hence, the contention of the workman that, on the advice of the Advocate, he managed to get the certificate Exh E-1 only as a proof of having worked for the employer is difficult to accept. It is to be noted that in para 3 and 4 of the claim statement, the Union has stated that by registered letter dated 8-4-1978 requested the Management to reinstate the workman with full back wages as the termination of his services was illegal, but there is no mention in the said letter that the portion of the service certificate wherein it was stated that the workman left the job on his own accord was not correct.

11. It is not the case of the workman that the employer did not require his services or that he wanted to employ someone else in his place. No special motive is also alleged by the workman for the termination of his services by the employer. Being so, and the relations between the employer and the workman having been always friendly, I fail to see as to why the employer would terminate the services of the workman. In the absence of any reason for dispensing of such services, the allegation of the employer that it is the workman who left the services on his own accord for better prospects, which fact has been expressly mentioned in the service certificate Exh E-1 seems to be correct.

12. Voluntary resignation does not amount to retrenchment and, therefore, the employer had not to comply with the provisions of 25F of the Act, while accepting the resignation of the workman.

13. In view of what is stated above, I reply to this reference by passing the following order:

ORDER

There is no termination as such of the services of the workman by the employer. It is the workman himself who resigned from services, which resignation was accepted by the employer. Hence, this termination is legal. In the circumstances of the case, I leave each party to bear its own costs.

Dr. Renato de Noronha
Presiding Officer
Industrial Tribunal

Finance Department (Expenditure)

Order

No. 6/10-83-Fin(Exp)

Read: — Government order No. 6-10-83-Fin(Exp) dated 14-6-1984.

The Administrator of Goa, Daman and Diu is pleased to accept the request of Shri M. P. Vernekar, Accountant working in Works Division VI P.W.D. Margao refusing his promotion to the post of Assistant Accounts Officer.

By order and in the name of the Administrator of Goa, Daman and Diu.

K. M. Nambiar, Under Secretary (Finance Exp).

Panaji, 5th July, 1984.

Order

No. 6-10-83-Fin(Exp)

On the recommendations of the Departmental Promotion Committee, the Administrator of Goa, Daman and Diu is pleased to order promotion of Shri A. M. Jose, Accountant, Works Division V (O.&M.), Electricity Department, Ponda, to the post of Assistant Accounts Officer in the pay scale of Rs. 550-25-750-EB-30-900 from the date of his taking charge of the post of Assistant Accounts Officer. He is posted in the Institute of Psychiatry and Human Behaviour in the vacancy caused by the transfer of the Assistant Accounts Officer in the Institute.

He will be on probation for a period of two years in the first instance.

By order and in the name of the Administrator of Goa, Daman and Diu.

K. M. Nambiar, Under Secretary (Finance Exp).

Panaji, 5th July, 1984.

Finance Department (Revenue and Control)
Office of the Commissioner of Sales Tax

Notification

No. CST/ADM/25/84-85/1

In exercise of the powers conferred by sub-section (2) of section 3 of the Goa, Daman and Diu Sales Tax Act, 1984 read with Government Notification No. Fin(Rev)/2-36/AR/

/16/74 dated 5-11-74, the undermentioned officials are appointed as Asstt. Sales Tax Officers for the purposes of the said Goa, Daman and Diu Sales Tax Act, 1984 w.e.f. the dates shown against their names.

Sr. No.	Name of the Officials	Date from which the appointment is made
1.	Shri Mahesh Chikhlikar	6-6-84
2.	Shri Lazaro L. Cardozo	5-6-84
3.	Kum. Silvia A. de Monteiro	5-6-84
4.	Shri Srikant D. Zuarkar	6-6-84
5.	Shri Subray S. Lotlikar	5-6-84
6.	Shri N. D. Mandrekar	6-6-84

Naini Jeyaseelan, Commissioner of Sales Tax.

Panaji, 26th June, 1984.

Notification

No. CST/ADM/25/84-85/2

In exercise of the powers conferred by sub-section (2) of Section 3 of the Goa, Daman and Diu Sales Tax Act, 1984 read with Government Notification No. Fin(Rev)/2-36/AR/16/74 dated 5-11-74, the undermentioned officials are appointed as Sales Tax Inspectors for the purpose of the said Goa, Daman and Diu Sales Tax Act, 1984, w.e.f. the dates shown against their names.

Sr. No.	Name of the Officials	Date from which the appointment is made
1.	Smt. Ana Maria Silveira	5-6-84
2.	Shri Peter D'Cunha	6-6-84
3.	Smt. Zulema V. Rodrigues	5-6-84
4.	Smt. Mrudula S. Elekar	5-6-84
5.	Kum. Maria A. L. D'Gama	6-6-84
6.	Kum. Reeta N. Satardekar	6-6-84

Naini Jeyaseelan, Commissioner of Sales Tax.

Panaji, 26th June, 1984.